

REMARKS

I. RESPONSE TO OBJECTIONS TO THE CLAIMS

The Examiner objected to claims 13 and 32 in the Office Action dated July 7, 2009 ("the Office Action") as containing informalities. Claims 13 and 32 have been amended herein to resolve these informalities. The scope of both claims 13 and 32 is not believed to have been broadened or narrowed as a result of the amendment of these claims. Thus, Applicant respectfully requests that the amendment be entered to resolve issues for appeal.

II. RESPONSE TO REJECTIONS OF THE PENDING CLAIMS

The Examiner rejected claims 13-19, 21-23, 26-29 and 32 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,688,919 to Sumer et al. (Office Action, at 3).

The Examiner rejected claim 20 under 35 U.S.C. § 103 as being rendered obvious by Sumer et al. in view of U.S. Patent No. 6,078,661 to Arnett. (Office Action, at 7).

Claims 24-25 were rejected as obvious by Sumer et al. in view of U.S. Patent Application Publication No. 2002/0050771 to Krispin et al. (Office Action at 7).

Claims 30-31 were rejected as obvious in view of Sumer et al. and U.S. Patent No. 4,749,359 to White. (Office Action, at 8).

A. Burden of Proving Anticipation Under 35 U.S.C. § 102

"In order to demonstrate anticipation, the proponent must show that the four corners of a single, prior art document describe every element of the claimed invention." *Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 88 U.S.P.Q.2d 1751, 1758, 2008 WL 4614511, *8 (Fed. Cir. 2008). The prior art reference relied upon to show anticipation "must not only disclose all elements of the claim within the four corners of the document, but also disclose those elements

arranged as in the claim." *Id.* "As arranged in the claim means that a reference that discloses all of the claimed ingredients, but not in the order claimed, would not anticipate because the reference would be missing any disclosure of the limitations of the claimed invention arranged as in the claim." *Id.* "The test is thus more accurately understood to mean arranged or combined in the same way as in the claim." *Id.*

B. Burden Of Proving Obviousness Under 35 U.S.C. § 103

"All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03 (emphasis added). "When evaluating claims for obviousness under 35 U.S.C. 103, **all the limitations of the claims must be considered and given weight.**" MPEP 2143.03. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *Id.* "A 35 U.S.C. 103 rejection is based on 35 U.S.C. 102(a), 102(b), 102(e), etc. depending on the type of prior art reference used and its publication or issue date." MPEP § 2141.01.

To establish a *prima facie* case of obviousness an Examiner must show that an invention would have been obvious to a person of ordinary skill in the art at the time of the invention. MPEP § 2141. "Obviousness is a question of law based on underlying factual inquiries." *Id.* The factual inquiries enunciated by the Court include "ascertaining the differences between the claimed invention and the prior art" and "resolving the level of ordinary skill in the pertinent art." MPEP § 2141.

"A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art' at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually

known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. MPEP § 2143.01. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, **there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.**" MPEP § 2143.01 (citing *KSR*, 550 U.S. at 14, 82 USPQ2d at 1396) (emphasis added).

Moreover, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." MPEP § 2143.01. Also, "the proposed modification cannot render the prior art unsatisfactory for its intended purpose." MPEP § 2143.01.

C. Claims 13-32 Are Allowable Over The Cited Art

**1. Claims 13-19, 21-23, 26-29 And 32
Are Not Anticipated By Sumer et al.**

Claim 13 requires a housing to include a connection area configured to be at least partially accessible from outside of the housing and a housing cover that includes a first hood and a cover portion. The first hood has push through openings and at least one attachment mechanism. The cover portion has at least one clip connection mechanism sized and configured to releasably retain the at least one attachment mechanism of the first hood. The housing also includes a base housing part and a printed circuit board arranged between the base housing part and the cover portion. The printed circuit board has an extension area, comprised of at least one first plug in device for a first extension printed circuit board. The cover portion is configured to releasably attach to the base housing part and is configured to clamp at least a portion of the

printed circuit board against the base housing part when the cover portion is attached to the base housing part. The first hood is only releasable from the cover portion after the at least one attachment mechanism and at least one clip connection mechanism are interlocked by use of a tool. Claims 14-32 depend directly or indirectly from claim 13 and therefore also contain the limitations of claim 13.

a. Sumer et al. Do Not Teach Or Suggest Push Through Openings

The Examiner contends that Sumer et al. disclose a push through opening at element 108. However, this opening is not a push through opening. Opening 108 is merely an access opening and is always open. There is no pushing through required to create that opening. Sumer et al. fail to teach or suggest the push through opening as required by claim 13 or the claims that depend from claim 13.

An example of a push through opening is breakout parts shown in Figure 3 and taught in paragraph 20 of the specification. The breakout parts may be broken out by pushing on the breakout. Paragraph 11 of the specification also teaches such openings.

Access opening 108 is not a push through opening or openings. It is only one opening and it is not a push through opening. Therefore, at least this element of the pending claims is not taught or suggested by Sumer et al.

b. Sumer et al. Do Not Teach Or Suggest Plug In Devices

The Examiner reads Sumer et al. as disclosing plug in devices at elements 147, 149 and 151. However, as Sumer et al. make clear, these elements are plugs, not plug-in devices. Plugs are not plug in devices. Plug in devices are devices configured to receive extension boards. This is made clear by the explicit text of claim 13, which states that "at least one first plug in device

for a first extension printed circuit board." This is also clear from the specification, which teaches that "Extension circuit boards are plugged into the plug-in devices 23."

The plugs 147, 149 and 151 are not for receiving extension printed circuit boards. Indeed, as taught by Sumer et al., circuit boards 146, 148 and 150 are all integral to each other. Specifically, the boards are part of an "integrated access device 145". (Col. 5, lines 1-5). Plugs 147, 149 and 151 of Sumer et al. are configured to connect to jacks 126 or terminal strip 118 via wires 131 (*See e.g.* Figure 2).

Sumer et al. do not teach or suggest any plug in device for an extension circuit board. Indeed, as Sumer et al. teach, boards 146, 148 and 150 are all one device. There are no extension boards attached to board 146.

c. Sumer et al. Do Not Teach Interlocking By Use Of A Tool

The pending claims require the first hood to only be releasable from the cover portion after the at least one attachment mechanism and at least one clip connection mechanism are **interlocked by use of a tool**. In the Office Action, the Examiner contends that Sumer et al. disclose such a device because a finger is required to unlatch a cover in Sumer et al. But, a finger is not a tool.

Indeed, Sumer et al. specifically teach that latch 104 "enables cover 102 to be opened without a tool." (Col. 3, lines 33-34). A tool is something other than a human body part. For example, the definition of tool is "a handheld device that aids in accomplishing a task." Merriam-Webster's Online Dictionary, *available at* <http://www.merriam-webster.com/dictionary/tool>. As is clear from the ordinary meaning of the term "tool" and

Sumer et al., a human finger is not a tool and cannot read on the tool limitation recited in claim 13.

In fact, Sumer et al. teach away from requiring a cover to be released via use of a tool. (Col. 3, lines 33-34). Sumer et al. do not teach or suggest the use of a first hood to only be releasable from the cover portion after the at least one attachment mechanism and at least one clip connection mechanism are interlocked by use of a tool.

Sumer et al. fail to teach or suggest numerous limitations found within the pending claims. Therefore, Sumer et al. cannot anticipate these claims. Indeed, Sumer et al. teach away from the pending claims. For at least the above reasons, the rejection of the pending claims should be withdrawn.

2. Claims 17 and 18 Are Not Anticipated By Sumer et al.

Claims 17 and 18 depend from claim 13 and are therefore allowable because claim 13 is allowable. Moreover, claims 17 and 18 include additional limitations that are not taught by Sumer et al. Claims 17 and 18 require "the printed circuit board includes a second plug-in device that establishes an electrical connection with a second extension printed circuit board." Sumer et al. do not teach such a plug in device.

The Examiner contends that plugs 149, 151 establish a connection with an extension board 150. To the contrary, circuit boards 146, 148 and 150 are all part of "an integrated access device (IAD) 145." (Col. 5, lines 1-4). The plugs 147, 149 and 151 are not for extension circuit boards. To the contrary, the plugs 147, 149 and 151 are for wires 131 to connect the boards to other elements, such as jacks 126. The plugs 147, 149 and 151 are not for any extension boards.

D. Claims 20, 24-25, And 30-31 Are Allowable

Claims 20, 24-25 and 30-31 depend directly or indirectly from claim 13. These claims are allowable at least because claim 13 is allowable.

III. CONCLUSION

For at least the above reasons, reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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